

*West Virginia Department of Environmental Protection  
Division of Air Quality*

*Joe Manchin, III  
Governor*

*Stephanie R. Timmermeyer  
Cabinet Secretary*

# Permit to Operate



*Pursuant to  
Title V  
of the Clean Air Act*

*Issued to:*  
**Earthgrains Baking Companies, Inc.**  
**R30-01100062-2005**

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*John A. Benedict  
Director*

*Issued: December 14, 2005 • Effective: January 1, 2006  
Expiration: December 14, 2010 • Renewal: June 14, 2010*

Permit Number: **R30-01100062-2005**  
Permittee: **Earthgrains Baking Companies, Inc.**  
Mailing Address: **1300 Adams Avenue Huntington, WV 25704**

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*This permit is issued in accordance with the West Virginia Air Pollution Control Act (West Virginia Code §§ 22-5-1 et seq.) and 45CSR30 — Requirements for Operating Permits. The permittee identified at the above-referenced facility is authorized to operate the stationary sources of air pollutants identified herein in accordance with all terms and conditions of this permit.*

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Facility Location: Huntington, Cabell County, West Virginia  
Telephone Number: 304.523.8411  
Type of Business Entity: Corporation  
Facility Description: Commercial bread baking  
SIC Code: 2051  
UTM Coordinates: 4252 km Easting • 371 km Northing • Zone 17

*Any person whose interest may be affected, including, but not necessarily limited to, the applicant and any person who participated in the public comment process, by a permit issued, modified or denied by the Secretary may appeal such action of the Secretary to the Air Quality Board pursuant to article one [§§ 22B-1-1 et seq.], Chapter 22B of the Code of West Virginia. West Virginia Code §22-5-14.*

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*Issuance of this Title V Operating Permit does not supersede or invalidate any existing permits under 45CSR13, 14 or 19, although all applicable requirements from such permits governing the facility's operation and compliance have been incorporated into the Title V Operating Permit.*

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## 1.0 Emission Units

Emission Unit ID	Emission Point ID	Emission Unit Description	Design Capacity	Year Installed/Modified	Control Device
1e	1S	58 Tray Baker Perkins 970 Oven	15,000 lb/hr	1992/2001	NA
2e					
3e					
4e	2S	38 Tray Teledyne Readco Oven	7,200 lb/hr	1974	NA
5e					
6e					
7e	3S	18 Tray Baker Perkins 970 Oven	3,000 lb/hr	2001	NA
8e					
9e	4S	Flour Handling System	29,000 TPY	1986	1C

## 2.0. General Conditions

### 2.1. Definitions

- 2.1.1. All references to the "West Virginia Air Pollution Control Act" or the "Air Pollution Control Act" mean those provisions contained in W.Va. Code §§ 22-5-1 to 22-5-18.
- 2.1.2. The "Clean Air Act" means those provisions contained in 42 U.S.C. §§ 7401 to 7671q, and regulations promulgated thereunder.
- 2.1.3. "Secretary" means the Secretary of the Department of Environmental Protection or such other person to whom the Secretary has delegated authority or duties pursuant to W.Va. Code §§ 22-1-6 or 22-1-8 (45CSR§30-2.12.). The Director of the Division of Air Quality is the Secretary's designated representative for the purposes of this permit.

### 2.2. Acronyms

<b>CAAA</b>	Clean Air Act Amendments	<b>NESHAPS</b>	National Emissions Standards for Hazardous Air Pollutants
<b>CBI</b>	Confidential Business Information		
<b>CEM</b>	Continuous Emission Monitor	<b>NO<sub>x</sub></b>	Nitrogen Oxides
<b>CES</b>	Certified Emission Statement	<b>NSPS</b>	New Source Performance Standards
<b>C.F.R. or CFR</b>	Code of Federal Regulations		
<b>CO</b>	Carbon Monoxide	<b>PM</b>	Particulate Matter
<b>C.S.R. or CSR</b>	Codes of State Rules	<b>PM<sub>10</sub></b>	Particulate Matter less than 10µm in diameter
<b>DAQ</b>	Division of Air Quality		
<b>DEP</b>	Department of Environmental Protection	<b>pph</b>	Pounds per Hour
		<b>ppm</b>	Parts per Million
<b>FOIA</b>	Freedom of Information Act	<b>PSD</b>	Prevention of Significant Deterioration
<b>HAP</b>	Hazardous Air Pollutant		
<b>HON</b>	Hazardous Organic NESHAP	<b>psi</b>	Pounds per Square Inch
<b>HP</b>	Horsepower	<b>SIC</b>	Standard Industrial Classification
<b>lbs/hr</b>	Pounds per Hour	<b>SIP</b>	State Implementation Plan
<b>LDAR</b>	Leak Detection and Repair	<b>SO<sub>2</sub></b>	Sulfur Dioxide
<b>M</b>	Thousand	<b>TAP</b>	Toxic Air Pollutant
<b>MACT</b>	Maximum Achievable Control Technology	<b>TPY</b>	Tons per Year
		<b>TRS</b>	Total Reduced Sulfur
<b>MM</b>	Million	<b>TSP</b>	Total Suspended Particulate
<b>MMBtu/hr or mmbtu/hr</b>	Million British Thermal Units per Hour	<b>USEPA</b>	United States Environmental Protection Agency
<b>MMCF/hr or mmcf/hr</b>	Million Cubic Feet Burned per Hour	<b>UTM</b>	Universal Transverse Mercator
<b>NA</b>	Not Applicable	<b>VEE</b>	Visual Emissions Evaluation
<b>NAAQS</b>	National Ambient Air Quality Standards	<b>VOC</b>	Volatile Organic Compounds

### **2.3. Permit Expiration and Renewal**

- 2.3.1. Permit duration. This permit is issued for a fixed term of five (5) years and shall expire on the date specified on the cover of this permit, except as provided in 45CSR§30-6.3.b. and 45CSR§30-6.3.c.  
**[45CSR§30-5.1.b.]**
- 2.3.2. A permit renewal application is timely if it is submitted at least six (6) months prior to the date of permit expiration.  
**[45CSR§30-4.1.a.3.]**
- 2.3.3. Permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted consistent with 45CSR§30-6.2. and 45CSR§30-4.1.a.3.  
**[45CSR§30-6.3.b.]**
- 2.3.4. If the Secretary fails to take final action to deny or approve a timely and complete permit application before the end of the term of the previous permit, the permit shall not expire until the renewal permit has been issued or denied, and any permit shield granted for the permit shall continue in effect during that time.  
**[45CSR§30-6.3.c.]**

### **2.4. Permit Actions**

- 2.4.1. This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.  
**[45CSR§30-5.1.f.3.]**

### **2.5. Reopening for Cause**

- 2.5.1. This permit shall be reopened and revised under any of the following circumstances:
  - a. Additional applicable requirements under the Clean Air Act or the Secretary's legislative rules become applicable to a major source with a remaining permit term of three (3) or more years. Such a reopening shall be completed not later than eighteen (18) months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 45CSR§§30-6.6.a.1.A. or B.
  - b. Additional requirements (including excess emissions requirements) become applicable to an affected source under Title IV of the Clean Air Act (Acid Deposition Control) or other legislative rules of the Secretary. Upon approval by U.S. EPA, excess emissions offset plans shall be incorporated into the permit.
  - c. The Secretary or U.S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
  - d. The Secretary or U.S. EPA determines that the permit must be revised or revoked and reissued to assure compliance with the applicable requirements.  
**[45CSR§30-6.6.a.]**

## **2.6. Administrative Permit Amendments**

- 2.6.1. The permittee may request an administrative permit amendment as defined in and according to the procedures specified in 45CSR§30-6.4.

**[45CSR§30-6.4.]**

## **2.7. Minor Permit Modifications**

- 2.7.1. The permittee may request a minor permit modification as defined in and according to the procedures specified in 45CSR§30-6.5.a.

**[45CSR§30-6.5.a.]**

## **2.8. Significant Permit Modification**

- 2.8.1. The permittee may request a significant permit modification, in accordance with 45CSR§30-6.5.b., for permit modifications that do not qualify for minor permit modifications or as administrative amendments.

**[45CSR§30-6.5.b.]**

## **2.9. Emissions Trading**

- 2.9.1. No permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit and that are in accordance with all applicable requirements.

**[45CSR§30-5.1.h.]**

## **2.10. Off-Permit Changes**

- 2.10.1. Except as provided below, a facility may make any change in its operations or emissions that is not addressed nor prohibited in its permit and which is not considered to be construction nor modification under any rule promulgated by the Secretary without obtaining an amendment or modification of its permit. Such changes shall be subject to the following requirements and restrictions:

- a. The change must meet all applicable requirements and may not violate any existing permit term or condition.
- b. The permittee must provide a written notice of the change to the Secretary and to U.S. EPA within two (2) business days following the date of the change. Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change.
- c. The change shall not qualify for the permit shield.
- d. The permittee shall keep records describing all changes made at the source that result in emissions of regulated air pollutants, but not otherwise regulated under the permit, and the emissions resulting from those changes.
- e. No permittee may make any change subject to any requirement under Title IV of the Clean Air Act (Acid Deposition Control) pursuant to the provisions of 45CSR§30-5.9.

- f. No permittee may make any changes which would require preconstruction review under any provision of Title I of the Clean Air Act (including 45CSR14 and 45CSR19) pursuant to the provisions of 45CSR§30-5.9.

**[45CSR§30-5.9]**

## **2.11. Operational Flexibility**

- 2.11.1. The permittee may make changes within the facility as provided by § 502(b)(10) of the Clean Air Act. Such operational flexibility shall be provided in the permit in conformance with the permit application and applicable requirements. No such changes shall be a modification under any rule or any provision of Title I of the Clean Air Act (including 45CSR14 and 45CSR19) promulgated by the Secretary in accordance with Title I of the Clean Air Act and the change shall not result in a level of emissions exceeding the emissions allowable under the permit.

**[45CSR§30-5.8]**

- 2.11.2. Before making a change under 45CSR§30-5.8., the permittee shall provide advance written notice to the Secretary and to U.S. EPA, describing the change to be made, the date on which the change will occur, any changes in emissions, and any permit terms and conditions that are affected. The permittee shall thereafter maintain a copy of the notice with the permit, and the Secretary shall place a copy with the permit in the public file. The written notice shall be provided to the Secretary and U.S. EPA at least seven (7) days prior to the date that the change is to be made, except that this period may be shortened or eliminated as necessary for a change that must be implemented more quickly to address unanticipated conditions posing a significant health, safety, or environmental hazard. If less than seven (7) days notice is provided because of a need to respond more quickly to such unanticipated conditions, the permittee shall provide notice to the Secretary and U.S. EPA as soon as possible after learning of the need to make the change.

**[45CSR§30-5.8.a.]**

- 2.11.3. The permit shield shall not apply to changes made under 45CSR§30-5.8., except those provided for in 45CSR§30-5.8.d. However, the protection of the permit shield will continue to apply to operations and emissions that are not affected by the change, provided that the permittee complies with the terms and conditions of the permit applicable to such operations and emissions. The permit shield may be reinstated for emissions and operations affected by the change:

- a. If subsequent changes cause the facility's operations and emissions to revert to those authorized in the permit and the permittee resumes compliance with the terms and conditions of the permit, or
- b. If the permittee obtains final approval of a significant modification to the permit to incorporate the change in the permit.

**[45CSR§30-5.8.c.]**

- 2.11.4. "Section 502(b)(10) changes" are changes that contravene an express permit term. Such changes do not include changes that would violate applicable requirements or contravene enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.

**[45CSR§30-2.39]**



## **2.12. Reasonably Anticipated Operating Scenarios**

2.12.1. The following are terms and conditions for reasonably anticipated operating scenarios identified in this permit.

- a. Contemporaneously with making a change from one operating scenario to another, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating and to document the change in reports submitted pursuant to the terms of this permit and 45CSR30.
- b. The permit shield shall extend to all terms and conditions under each such operating scenario; and
- c. The terms and conditions of each such alternative scenario shall meet all applicable requirements and the requirements of 45CSR30.

**[45CSR§30-5.1.i.]**

## **2.13. Duty to Comply**

2.13.1. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the West Virginia Code and the Clean Air Act and is grounds for enforcement action by the Secretary or USEPA; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

**[45CSR§30-5.1.f.1.]**

## **2.14. Inspection and Entry**

2.14.1. The permittee shall allow any authorized representative of the Secretary, upon the presentation of credentials and other documents as may be required by law, to perform the following:

- a. At all reasonable times (including all times in which the facility is in operation) enter upon the permittee's premises where a source is located or emissions related activity is conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times (including all times in which the facility is in operation) any facilities, equipment (including monitoring and air pollution Control equipment), practices, or operations regulated or required under the permit;
- d. Sample or monitor at reasonable times substances or parameters to determine compliance with the permit or applicable requirements or ascertain the amounts and types of air pollutants discharged.

**[45CSR§30-5.3.b.]**

## **2.15. Schedule of Compliance**

2.15.1. For sources subject to a compliance schedule, certified progress reports shall be submitted consistent with the applicable schedule of compliance set forth in this permit and 45CSR§30-4.3.h., but at least every six (6) months, and no greater than once a month, and shall include the following:

- a. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and
- b. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventative or corrective measure adopted.

[45CSR§30-5.3.d.]

## **2.16. Need to Halt or Reduce Activity not a Defense**

- 2.16.1. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. However, nothing in this paragraph shall be construed as precluding consideration of a need to halt or reduce activity as a mitigating factor in determining penalties for noncompliance if the health, safety, or environmental impacts of halting or reducing operations would be more serious than the impacts of continued operations.

[45CSR§30-5.1.f.2.]

## **2.17. Emergency**

- 2.17.1. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

[45CSR§30-5.7.a.]

- 2.17.2. Effect of any emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of 45CSR§30-5.7.c. are met.

[45CSR§30-5.7.b.]

- 2.17.3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;
- b. The permitted facility was at the time being properly operated;
- c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and
- d. Subject to the requirements of 45CSR§30-5.1.c.3.C.1, the permittee submitted notice of the emergency to the Secretary within one (1) working day of the time when emission limitations were exceeded due to the emergency and made a request for variance, and as applicable rules provide. This notice, report, and variance request fulfills the requirement of 45CSR§30-5.1.c.3.B. This notice must contain a detailed description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

[45CSR§30-5.7.c.]

- 2.17.4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.

[45CSR§30-5.7.d.]

- 2.17.5. This provision is in addition to any emergency or upset provision contained in any applicable requirement.

[45CSR§30-5.7.e.]

## **2.18. Federally-Enforceable Requirements**

- 2.18.1. All terms and conditions in this permit, including any provisions designed to limit a source's potential to emit and excepting those provisions that are specifically designated in the permit as "State-enforceable only", are enforceable by the Secretary, USEPA, and citizens under the Clean Air Act.

[45CSR§30-5.2.a.]

- 2.18.2. Those provisions specifically designated in the permit as "State-enforceable only" shall become "Federally-enforceable" requirements upon SIP approval by the USEPA.

## **2.19. Duty to Provide Information**

- 2.19.1. The permittee shall furnish to the Secretary within a reasonable time any information the Secretary may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Secretary copies of records required to be kept by the permittee. For information claimed to be confidential, the permittee shall furnish such records to the Secretary along with a claim of confidentiality in accordance with 45CSR31. If confidential information is to be sent to USEPA, the permittee shall directly provide such information to USEPA along with a claim of confidentiality in accordance with 40 C.F.R. Part 2.

[45CSR§30-5.1.f.5.]

## **2.20. Duty to Supplement and Correct Information**

- 2.20.1. Upon becoming aware of a failure to submit any relevant facts or a submittal of incorrect information in any permit application, the permittee shall promptly submit to the Secretary such supplemental facts or corrected information.

[45CSR§30-4.2.]

## **2.21. Permit Shield**

- 2.21.1. Compliance with the conditions of this permit shall be deemed compliance with any applicable requirements as of the date of permit issuance provided that such applicable requirements are included and are specifically identified in this permit or the Secretary has determined that other requirements specifically identified are not applicable to the source and this permit includes such a determination or a concise summary thereof.

[45CSR§30-5.6.a.]

- 2.21.2. Nothing in this permit shall alter or affect the following:

- a. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance; or

- b. The applicable requirements of the Code of West Virginia and Title IV of the Clean Air Act (Acid Deposition Control), consistent with § 408 (a) of the Clean Air Act.
- c. The authority of the Administrator of U.S. EPA to require information under § 114 of the Clean Air Act or to issue emergency orders under § 303 of the Clean Air Act.

[45CSR§30-5.6.c.]

## **2.22. Credible Evidence**

- 2.22.1. Nothing in this permit shall alter or affect the ability of any person to establish compliance with, or a violation of, any applicable requirement through the use of credible evidence to the extent authorized by law. Nothing in this permit shall be construed to waive any defenses otherwise available to the permittee including but not limited to any challenge to the credible evidence rule in the context of any future proceeding.

[45CSR§30-5.3.e.3.B. and 45CSR38]

## **2.23. Severability**

- 2.23.1. The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance is held invalid by a court of competent jurisdiction, the remaining permit terms and conditions or their application to other circumstances shall remain in full force and effect.

[45CSR§30-5.1.e.]

## **2.24. Property Rights**

- 2.24.1. This permit does not convey any property rights of any sort or any exclusive privilege.

[45CSR§30-5.1.f.4]

## **2.25. Acid Deposition Control**

- 2.25.1. Emissions shall not exceed any allowances that the source lawfully holds under Title IV of the Clean Air Act (Acid Deposition Control) or rules of the Secretary promulgated thereunder.

- a. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid deposition control program, provided that such increases do not require a permit revision under any other applicable requirement.
- b. No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.
- c. Any such allowance shall be accounted for according to the procedures established in rules promulgated under Title IV of the Clean Air Act.

[45CSR§30-5.1.d.]

- 2.25.2. Where applicable requirements of the Clean Air Act are more stringent than any applicable requirement of regulations promulgated under Title IV of the Clean Air Act (Acid Deposition Control), both provisions shall be incorporated into the permit and shall be enforceable by the Secretary and U. S. EPA.

[45CSR§30-5.1.a.2.]

### 3.0. Facility-Wide Requirements

#### 3.1. Limitations and Standards

- 3.1.1. **Open burning.** The open burning of refuse by any person, firm, corporation, association or public agency is prohibited except as noted in 45CSR§6-3.1.  
**[45CSR§6-3.1.]**
- 3.1.2. **Open burning exemptions.** The exemptions listed in 45CSR§6-3.1 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause, suffer, allow or permit any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible.  
**[45CSR§6-3.2.]**
- 3.1.3. **Asbestos.** The permittee is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The permittee must notify the Secretary at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Secretary if the permittee is subject to the notification requirements of 40 C.F.R. § 61.145(b)(3)(i). A copy of this notice is required to be sent to the USEPA, the Division of Waste Management and the Bureau for Public Health - Environmental Health.  
**[40 C.F.R. 61 and 45CSR15]**
- 3.1.4. **Odor.** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public.  
**[45CSR§4-3.1 State-Enforceable only.]**
- 3.1.5. **Standby plan for reducing emissions.** When requested by the Secretary, the permittee shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45CSR11.  
**[45CSR§11-5.2]**
- 3.1.6. **Emission inventory.** The permittee is responsible for submitting, on an annual basis, an emission inventory in accordance with the submittal requirements of the Division of Air Quality.  
**[W.Va. Code § 22-5-4(a)(14) and 45CSR§29-4.1.]**
- 3.1.7. **Ozone-depleting substances.** For those facilities performing maintenance, service, repair or disposal of appliances, the permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 C.F.R. Part 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
- a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the prohibitions and required practices pursuant to 40 C.F.R. §§ 82.154 and 82.156.
  - b. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 C.F.R. § 82.158.
  - c. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 C.F.R. § 82.161.
- [40 C.F.R. 82, Subpart F]**

- 3.1.8. **Risk Management Plan.** Should this stationary source, as defined in 40 C.F.R. § 68.3, become subject to Part 68, then the owner or operator shall submit a risk management plan (RMP) by the date specified in 40 C.F.R. § 68.10 and shall certify compliance with the requirements of Part 68 as part of the annual compliance certification as required by 40 C.F.R. Part 70 or 71.

**[40 C.F.R. 68]**

- 3.1.9. The owner or operator of a plant shall maintain particulate matter control of the plant premises, and plant owned, leased or controlled access roads, by paving, application of asphalt, chemical dust suppressants or other suitable dust control measures. Good operating practices shall be implemented and when necessary particulate matter suppressants shall be applied in relation to stockpiling and general material handling to minimize particulate matter generation and atmospheric entrainment.

**[45CSR§7-5.2. and 45CSR13 - R13-2005B, Condition B.2.]**

### 3.2. Monitoring Requirements

None

### 3.3. Testing Requirements

- 3.3.1. **Stack testing.** As per provisions set forth in this permit or as otherwise required by the Secretary, in accordance with the West Virginia Code, underlying regulations, permits and orders, the permittee shall conduct test(s) to determine compliance with the emission limitations set forth in this permit and/or established or set forth in underlying documents. The Secretary, or his duly authorized representative, may at his option witness or conduct such test(s). Should the Secretary exercise his option to conduct such test(s), the operator shall provide all necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment, such as scaffolding, railings and ladders, to comply with generally accepted good safety practices. Such tests shall be conducted in accordance with the methods and procedures set forth in this permit or as otherwise approved or specified by the Secretary in accordance with the following:

- a. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 C.F.R. Parts 60, 61, and 63, if applicable, in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable.
- b. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 3.3.1.a. of this permit.
- c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the permittee shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a

referenced protocol previously approved by the Secretary.  
[WV Code § 22-5-4(a)(15), 45CSR§7-8.1., and 45CSR13]

### 3.4. Recordkeeping Requirements

- 3.4.1. **Monitoring information.** The permittee shall keep records of monitoring information that include the following:
- a. The date, place as defined in this permit and time of sampling or measurements;
  - b. The date(s) analyses were performed;
  - c. The company or entity that performed the analyses;
  - d. The analytical techniques or methods used;
  - e. The results of the analyses; and
  - f. The operating conditions existing at the time of sampling or measurement.
- [45CSR§30-5.1.c.2.A.]
- 3.4.2. **Retention of records.** The permittee shall retain records of all required monitoring data and support information for a period of at least five (5) years from the date of monitoring sample, measurement, report, application, or record creation date. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit. Where appropriate, records may be maintained in computerized form in lieu of the above records.
- [45CSR§30-5.1.c.2.B.]
- 3.4.3. **Odors.** For the purposes of 45CSR4, the permittee shall maintain a record of all odor complaints received, any investigation performed in response to such a complaint, and any responsive action(s) taken.
- [45CSR§30-5.1.c. State-Enforceable only.]

### 3.5. Reporting Requirements

- 3.5.1. **Responsible official.** Any application form, report, or compliance certification required by this permit to be submitted to the DAQ and/or USEPA shall contain a certification by the responsible official that states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.
- [45CSR§30-4.4. and 5.1.c.3.D.]
- 3.5.2. A permittee may request confidential treatment for the submission of reporting required under 45CSR§30-5.1.c.3. pursuant to the limitations and procedures of W.Va. Code § 22-5-10 and 45CSR31.
- [45CSR§30-5.1.c.3.E.]
- 3.5.3. All notices, requests, demands, submissions and other communications required or permitted to be made to the Secretary of DEP and/or USEPA shall be made in writing and shall be deemed to have been duly given when delivered by hand, or mailed first class, or by private carrier with postage prepaid to the address(es) set forth below or to such other person or address as the Secretary of the Department of Environmental Protection may designate:

**If to the DAQ:**

Director  
WVDEP  
Division of Air Quality  
601 57th Street SE  
Charleston, WV 25304  
  
Phone: 304/926-0475  
FAX: 304/926-0478

**If to the US EPA:**

Associate Director  
Office of Enforcement and Permits Review  
(3AP12)  
U. S. Environmental Protection Agency  
Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

- 3.5.4. **Certified emissions statement.** The permittee shall submit a certified emissions statement and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality.  
[45CSR§30-8.]
- 3.5.5. **Compliance certification.** The permittee shall certify compliance with the conditions of this permit on the forms provided by the DAQ. In addition to the annual compliance certification, the permittee may be required to submit certifications more frequently under an applicable requirement of this permit. The annual certification shall be submitted to the DAQ and USEPA on or before March 15 of each year, and shall certify compliance for the period ending December 31. The permittee shall maintain a copy of the certification on site for five (5) years from submittal of the certification.  
[45CSR§30-5.3.e.]
- 3.5.6. **Semi-annual monitoring reports.** The permittee shall submit reports of any required monitoring on or before September 15 for the reporting period January 1 to June 30 and on or before March 15 for the reporting period July 1 to December 31. All instances of deviation from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with 45CSR§30-4.4.  
[45CSR§30-5.1.c.3.A.]
- 3.5.7. **Emergencies.** For reporting emergency situations, refer to Section 2.17. of this permit.
- 3.5.8. **Deviations.**
- a. In addition to monitoring reports required by this permit, the permittee shall promptly submit supplemental reports and notices in accordance with the following:
    1. Any deviation resulting from an emergency or upset condition, as defined in 45CSR§30-5.7., shall be reported by telephone or telefax within one (1) working day of the date on which the permittee becomes aware of the deviation, if the permittee desires to assert the affirmative defense in accordance with 45CSR§30-5.7. A written report of such deviation, which shall include the probable cause of such deviations, and any corrective actions or preventative measures taken, shall be submitted and certified by a responsible official within ten (10) days of the deviation.
    2. Any deviation that poses an imminent and substantial danger to public health, safety, or the environment shall be reported to the Secretary immediately by telephone or telefax. A written report of such deviation, which shall include the probable cause of such deviation, and any corrective actions or preventative measures taken, shall be submitted by the responsible official within ten (10) days of the deviation.



3. Deviations for which more frequent reporting is required under this permit shall be reported on the more frequent basis.
4. All reports of deviations shall identify the probable cause of the deviation and any corrective actions or preventative measures taken.

**[45CSR§30-5.1.c.3.C.]**

- b. The permittee shall, in the reporting of deviations from permit requirements, including those attributable to upset conditions as defined in this permit, report the probable cause of such deviations and any corrective actions or preventive measures taken in accordance with any rules of the Secretary.

**[45CSR§30-5.1.c.3.B.]**

- 3.5.9. **New applicable requirements.** If any applicable requirement is promulgated during the term of this permit, the permittee will meet such requirements on a timely basis, or in accordance with a more detailed schedule if required by the applicable requirement.

**[45CSR§30-4.3.h.1.B.]**

### **3.6. Compliance Plan**

- 3.6.1. No compliance plan was submitted since the permittee certified compliance with all current applicable requirements.

### **3.7. Permit Shield**

- 3.7.1. The permittee is hereby granted a permit shield in accordance with 45CSR§30-5.6. The permit shield applies provided the permittee operates in accordance with the information contained within this permit.
- 3.7.2. The following requirements specifically identified are not applicable to the source based on the determinations set forth below. The permit shield shall apply to the following requirements provided the conditions of the determinations are met.
  - a. 45CSR10 - R13-2005A listed Section 10.3.3, as a requirement for the ovens. The ovens at this facility are direct heat exchangers and are therefore considered to be manufacturing processes. The applicable rule is Section 10.4., however, the ovens are exempt in accordance with 45CSR§10-4.1.e. because the ovens have the potential to emit less than 500 pounds per year of sulfur oxides.
  - b. 45CSR15 and 40 CFR Part 61 - The facility is not a major source of HAPs.
  - c. 45CSR16 and 40 CFR Part 60 - There is no applicable NSPS for this facility.
  - d. 45CSR34 and 40 CFR Part 63 - The facility is not a major source of HAPs.
  - e. 40 CFR 64 - The baking ovens are subject to emissions limitations but do not utilize control devices to achieve compliance. The Materials (flour) handling system utilizes a control device but is not a major source of emissions nor is it subject to a pollutant specific emission limitation. Therefore, in accordance with 40 CFR § 64.2(a), CAM is not applicable to this facility.

#### 4.0. Source-Specific Requirements [Manufacturing Processes: 1S, 2S, 3S, and 4S]

##### 4.1. Limitations and Standards

- 4.1.1. No person shall cause, suffer, allow or permit emission of smoke and/or particulate matter into the open air from any process source operation which is greater than twenty (20) percent opacity, except as noted in subsections 3.2, 3.3, 3.4, 3.5, 3.6, and 3.7 of 45CSR7.

**[45CSR§7-3.1. and 45CSR13 - R13-2005B, Condition B.2. (1S, 2S, 3S)]**

- 4.1.2. No person shall cause, suffer, allow, or permit particulate matter to be vented into the open air from any type source operation or duplicate source operation, or from all air pollution control equipment installed on any type source operation or duplicate source operation in excess of the quantity specified in Table 45-7A found in 45CSR7. For emission point, 4S, PM emission limit is 11.2 lbs/hr during filling operations.

**[45CSR§7-4.1. and 45CSR13 - R13-2005B., Condition B.2. (1S, 2S, 3S, 4S)]**

- 4.1.3. No person shall cause, suffer, allow, or permit emissions of smoke and/or particulate matter into the open air from any storage structure associated with any manufacturing process that pursuant to 45CSR§7-5.1 is required to have a full enclosure and be equipped with a particulate matter control device.

**[45CSR§7-3.7. (4S during normal operations)]**

- 4.1.4. No person shall cause, suffer, allow or permit any manufacturing process or storage structure generating fugitive particulate matter to operate that is not equipped with a system, which may include, but not be limited to, process equipment design, control equipment design or operation and maintenance procedures, to minimize the emissions of fugitive particulate matter. To minimize means such system shall be installed, maintained and operated to ensure the lowest fugitive particulate matter emissions reasonably achievable.

**[45CSR§7-5.1. and 45CSR13 - R13-2005B, Condition B.2. (1S, 2S, 3S, 4S)]**

- 4.1.5. Maximum emissions from the facility's baking ovens shall not exceed the following:

Unit ID	Emission Point ID	CO		NO <sub>x</sub>		PM <sub>10</sub>		SO <sub>2</sub>		VOC	
		lb/hr	tpy	lb/hr	tpy	lb/hr	lb/yr	lb/hr	lb/yr	lb/hr	tpy
1S	1e	0.84	2.18	1.0	2.6	0.02	99	0.01	31	45.8	119.1
	2e										
	3e										
2S	4e	0.64	1.66	0.76	1.98	0.02	73	0.01	26	24.8	64.4
	5e										
	6e										
3S	7e	0.16	0.39	0.18	0.47	0.01	16	0.01	5	10.3	26.8
	8e										
TOTAL		1.64	4.23	1.94	5.05	0.05	188	0.03	62	80.9	210

Compliance with the PM limits shall demonstrate compliance with the less stringent limitations of 45CSR§7-4.1. **[45CSR13 - R13-2005B, Condition A.2.]**

- 4.1.6. Maximum production rates of baked goods shall not exceed the following:

ID No.	Oven	Maximum Production Rate	
		lb/hr	tpy
1S	58 Tray Baker Perkins Oven	15,000	39,000
2S	38 Tray Teledyne Readco Oven	7,200	18,720
3S	18 Tray Baker Perkins Oven	3,000	7,800
<b>Total</b>		<b>25,200</b>	<b>65,520</b>

Compliance with the production limit shall be determined using a rolling yearly total. A rolling yearly total shall mean the total production at any given time for the previous twelve (12) consecutive calendar months. See Section 4.4.1. of this permit.

**[45CSR13 - R13-2005B, Condition A.1. (1S, 2S, 3S)]**

- 4.1.7. The amount of natural gas combusted at each oven shall not exceed the following:

ID No.	Oven	Maximum Gas Usage Rate	
		ft <sup>3</sup> /hr	mmscf/yr
1S	58 Tray Baker Perkins Oven	10,000	52
2S	38 Tray Teledyne Readco Oven	7,600	39.5
3S	18 Tray Baker Perkins Oven	1,800	9.4
<b>Total</b>		<b>19,400</b>	<b>100.9</b>

Compliance with the combustion limit shall be determined using a rolling yearly total. A rolling yearly total shall mean the total amount of natural gas combusted at any given time for the previous twelve (12) consecutive calendar months. See Section 4.4.2. of this permit.

**[45CSR13 - R13-2005B, Condition A.3. (1S, 2S, 3S)]**

- 4.1.8. The owner or operator shall comply with emission limits and measures based upon an alternative emissions reduction plan approved by the Director considering technical, economic and air quality benefit considerations that, at a minimum, maintains emission control measures incorporated as part of any federally approved maintenance plan for the county or area in which the source is located.

**[45CSR§21-40.3.b.]**

- 4.1.9. The owner or operator shall comply with the requirements in 45CSR21, Section 5, except that such requirements, as they apply to sources solely subject to 45CSR21, Section 40, may be modified by the Director upon petition by the owner or operator. Any such modified requirements shall be embodied in the facility's control plan and reflected in the associated consent order or permit issued pursuant to 45CSR13 or 45CSR30.

**[45CSR§21-40.8.c.]**

- 4.1.10. Any stack serving any process source operation or air pollution control equipment on any process source operation shall contain flow straightening devices or a vertical run of sufficient length to establish flow patterns consistent with acceptable stack sampling procedures.

**[45CSR§7-4.12.]**

## **4.2. Monitoring Requirements**

- 4.2.1. Visible emission checks of each emission point subject to an opacity limit shall be conducted once per week during periods of normal facility operation using 40 C.F.R. 60 Appendix A, Method 22. If during these checks, or at any other time, visible emissions are observed at any emission point, compliance shall be determined by conducting tests in accordance 45CSR7A within 48 hours. If the 45CSR7A test results show the opacity to be equal to or greater than the limit, then an evaluation to determine the cause of the exceedance shall be conducted within three (3) days, unless the cause of the exceedance is corrected within 24 hours. If no visible emissions are observed after two weeks, visible emission checks shall be conducted monthly. If any visible emissions are observed during the monthly emission checks, visible emission checks shall return to being performed weekly. If no visible emissions are observed after four months, visible emission checks shall be conducted each calendar quarter. If any visible emissions are observed during the quarterly emission checks, visible emission checks shall return to being performed each calendar month. Records shall be maintained on site for a period of no less than five (5) years and shall include all data required by 40 C.F.R. 60 Appendix A, Method 22 or 45CSR7A test, whichever is appropriate. These records shall include, at a minimum, the date and time of each visible emission check, the visible emissions survey results and, if appropriate, all corrective actions taken.

The Method 22 or 45CSR7A test readings shall be taken at each of the 8 oven stacks and at the exhaust point for the flour handling system's associated control device.

**[45CSR§30-5.1.c.]**

- 4.2.2. If visible emissions from any storage structure associated with any manufacturing process are detected, compliance with Section 4.1.3. of this permit shall be demonstrated by taking corrective action and maintaining related records. Records concerning the date and time of the visual observations and the corrective actions taken shall be maintained on site for no less than five (5) years.

**[45CSR§30-5.1.c.]**

## **4.3. Testing Requirements**

- 4.3.1. Test methods. -- The owner or operator of any volatile organic compound (VOC) source required to comply with 45CSR21, Section 40 shall, at the owner's or operator's expense, demonstrate compliance by using the methods of 45CSR21, Section 41 or alternative methods that are approved by the Director and the U.S. EPA. **[45CSR§§21-40.5. and 41.1.]**

- 4.3.2. Preparation of test plan and quality assurance program. -- At least 30 days before the initiation of a required test, the owner or operator shall submit a test plan that shall be approved by the Director before the results of the test will be considered acceptable. This test plan shall include the following minimum information:

- a. The purpose of the proposed test and the applicable section of 45CSR21, Section 40. of this regulation;
- b. A detailed description of the facility to be tested, including a line diagram of the facility, locations of test sites, and facility operation conditions for the test;
- c. A detailed description of the test methods and procedures, equipment, and sampling sites, i.e., a test plan;
- d. A time table for the following: date for the compliance test; date of submittal of preliminary results to the Director (not later than 30 days after sample collection); and date of submittal of final test report (not later than 60 days after completion of on-site sampling); and

- e. Proposed corrective actions should the test results show noncompliance.
- f. Internal QA program. -- The internal QA program shall include, at a minimum, the activities planned by routine operators and analysts to provide an assessment of test data precision. An example of internal QA is the sampling and analysis of replicable samples.
- g. External QA program.
  - 1. The external QA program shall include, at a minimum, application of plans for a test method performance audit (PA) during the performance test.
  - 2. The external QA program may also include systems audits, which include the opportunity for on-site evaluation by the Director of instrument calibration, data validation, sample logging, and documentation of quality control data and field maintenance activities.
  - 3. The PA's shall consist of blind audit samples provided by the Director and analyzed during the performance test to provide a measure of test data bias.
    - A. The Director shall require the owner or operator to analyze PA samples during each performance test when audit samples are available.
    - B. Information concerning the availability of audit materials for a specific performance test may be obtained by contacting the Emission Measurement Technical Information Center at (919) 541-2237.
    - C. If the Director has prior knowledge that an audit material is available, he or she may contact the Atmospheric Research and Exposure Assessment Laboratory directly at (919)541-4531.
    - D. All other audit materials may be obtained by calling (919) 541-7834.
    - E. The evaluation criteria applied to the interpretation of the PA results and the subsequent remedial actions required of the owner or operator are the sole responsibility of the Director.

**[45CSR§21-41.2.]**

- 4.3.3. Process operation. -- The owner or operator shall be responsible for providing: sampling ports, pipes, lines, or appurtenances for the collection of samples and data required by the test methods and procedures; safe access to the sample and data collection locations; and light, electricity, and the utilities required for sample and data collection.

**[45CSR§21-41.3.]**

#### **4.4. Recordkeeping Requirements**

- 4.4.1. In order to determine compliance with the production limitations set forth in Section 4.1.6. of this permit, the permittee shall keep certified monthly records of the production of each oven. Compliance with the hourly limit shall be determined by dividing the monthly production amount for each oven by the number of hours of operation for each oven for that month. Such records shall be kept on site for a period of five years and be made available to the Secretary or his duly authorized representative upon request.

**[45CSR13 - R13-2005B., Condition B.6. and 45CSR§30-5.1.c.]**

- 4.4.2. In order to determine compliance with the combustion limitations set forth in Section 4.1.7. of this permit, the permittee shall keep certified monthly records of the amount of natural gas combusted in each oven. Compliance with the hourly limit shall be determined by dividing the monthly ~~production amount~~ **natural gas usage** for each oven by the number of hours of operation for each oven for that month. Such records shall be kept on site for a period of five years and be made available to the Secretary or his duly authorized representative upon request.

**[45CSR13 - R13-2005B., Condition B.7. and 45CSR§30-5.1.c.]**

- 4.4.3. Reporting and Recordkeeping Requirements for Subject Non-Control Technique Guideline, Non-Coating Sources.

- a. The owner or operator shall perform all testing and maintain the results of all tests and calculations required under 45CSR21, Sections 40.3. and 40.5. to demonstrate that the subject source is in compliance.
- b. The owner or operator shall comply with the requirements in 45CSR21, Section 5. except that such requirements, as they apply to sources solely subject to 45CSR21, Section 40., may be modified by the Director upon petition by the owner or operator. Any such modified requirements shall be embodied in the facility's control plan (RACM, RACT or alternative plan) and reflected in the associated consent order or permit issued pursuant to 45CSR13 or 45CSR30.

**[45CSR§21-40.8.a. and c.]**

#### **4.5. Reporting Requirements**

- 4.5.1. Summary of results. -- No later than 30 days after the sample collection, the owner or operator shall submit preliminary results to the Director.

**[45CSR§21-41.4.]**

- 4.5.2. Final report. -- No later than 60 days after completion of the on-site sampling, the owner or operator shall submit a test report to the Director. The test report shall include the following minimum information:

- a. Process description;
- b. Air pollution capture system and control device description;
- c. Process conditions during testing;
- d. Test results and example calculations;
- e. Description of sampling locations and test methods;
- f. Quality assurance measures; and
- g. Field and analytical data.

**[45CSR§21-41.5.]**

- 4.5.3. Reports of excess emissions. -- Except as provided in 45CSR§21-9.3., the owner or operator shall, for each occurrence of excess emissions expected to last more than 7 days, within 1 business day of becoming aware of such occurrence, supply the Director by letter with the following information:

- a. The name and location of the facility;

- b. The subject sources that caused the excess emissions;
  - c. The time and date of first observation of the excess emissions; and
  - d. The cause and expected duration of the excess emissions.
  - e. For sources subject to numerical emission limitations, the estimated rate of emissions (expressed in the units of the applicable emission limitation) and the operating data and calculations used in determining the magnitude of the excess emissions; and
  - f. The proposed corrective actions and schedule to correct the conditions causing the excess emissions.
- [45CSR§21-5.2.]**

#### **4.6. Compliance Plan**

- 4.6.1. None